

REMARKS

1, 3, 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 3946733 to Han (hereinafter 'Han').

In response, Claims 3 and 5 are cancelled. Claim 1 is amended to include further limitations, and claim 6 is amended to depend on claim 5.

Claim 1 is amended to include limitations of claims 3 and 5, and the following limitation:

"wherein the inner wall comprises a lower end and the cupping part comprises a lower end, wherein the lower end of the inner wall and the lower end of the cupping part are substantially in a same plane."

The limitation is supported by Fig. 2 of the drawings and thus is not a new matter. This construction of dividing the moxibustion part (24) and the cupping part (25) with the inner wall (23) is not disclosed or implied in 'Han.'

The rim (44) in 'Han' do not extend down to the bottom of the device but stops inside the device. The rim (44) do not block air communication inside the base structure (16).

On the other hand the inner wall (23) of the present invention completely blocks air flow between the moxibustion part (24) and the cupping part (25) when the cupping and moxibustion device of the present invention is placed on a patient's skin. Lines 7~9, page 8 of the specification discloses that air is eliminated from the cupping part (25) through the air discharge hole (26), and vacuum is formed in the cupping part (25). If the inner wall were not extended to the same plane of the lower end of the cupping part, air would flow into the cupping part from the moxibustion part and vacuum would not be formed.

CONCLUSION

The applicant believes that the rejections were obviated by the amendment of claims, and the application is now in condition for allowance: therefore, reexamination, reconsideration and allowance of the claims are respectively requested. If there are any additional comments or requirements from the examination, the applicant asks for a non-final office action.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any over-payment to Deposit Account No. 16-0310.

Respectfully submitted,



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Chanmin Park
USPTO Registration No. 62,247
PARK LAW FIRM
3255 Wilshire Boulevard, Suite 1110
Los Angeles, California 90010
(213) 389 – 3777